 **Lampert & O'Connor, P.C.**  
1750 K Street NW  
Suite 600  
Washington, DC 20006

**ORIGINAL**

Linda L. Kent  
kent@lola.com

Tel 202/887-6230  
Fax 202/887-6231

**VIA HAND DELIVERY**

August 21, 2003

**EX PARTE**

**RECEIVED**

AUG 21 2003

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
The Portals  
445 12<sup>th</sup> Street, SW, Room TW-A325  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Re Oral Ex Parte Presentation - CC Docket No. 02-33

Dear Ms. Dortch:

On August 20, 2003, Donna N. Lampert and the undersigned, both of Lampert & O'Connor, P.C., and Steven Teplitz, Vice President and Associate General Counsel, AOL Time Warner Inc., met with Christopher Libertelli, Legal Advisor to Chairman Powell, regarding the above-referenced docket.

During the meeting, we stated that reclassification of wireline broadband telecommunications services under Title I presents significant legal risks and uncertainty. We urged the FCC to act so as to minimize legal and regulatory uncertainty during any transition period by ensuring that there are adequate and effective safeguards to deter and prevent anticompetitive conduct, including maintaining the Section 208 formal complaint process. We also discussed the risk of illegal cross subsidy should the FCC reclassify DSL as a non-regulated service and forebear from applying the Part 64 cost allocation rules.

Pursuant to Section 1.1206(b) of the Commission's rules, two copies of this letter are being provided to you for inclusion in the public record of this docket. Should you have any questions, please do not hesitate to contact me.

Sincerely,




Linda L. Kent

Counsel for AOL Time Warner Inc.

cc Christopher Libertelli

012

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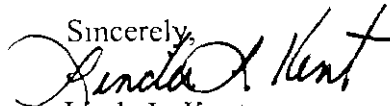
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